

United States District Court

Southern

DISTRICT OF

New York

PLAINVIEW WATER DISTRICT

SUMMONS IN A CIVIL CASE

V.

AMERADA HESS CORP., Inc., et al.

CASE NUMBER:

08 CV 0278
JUDGE PRESKA
S.D.N.Y.
DISTRICT COURT
RECEIVED
08 JAN 11 PM 5:00

TO: (Name and address of defendant)

see attached rider

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Napoli Bern Ripka & Associates, LLP
3500 Sunrise Highway, Suite T207
Great River, NY 11739
(212) 267-3700

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

Mano Quintero

(BY) DEPUTY CLERK

JAN 11 2008

DATE

AO 440 (Rev. 10/93) Summons In a Civil Action -SDNY WEB 4/99

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me ¹		DATE
NAME OF SERVER (PRINT)		TITLE
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ _____		
<input type="checkbox"/> Returned unexecuted: _____ _____ _____		
<input type="checkbox"/> Other (specify): _____ _____ _____		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p style="text-align: center;">I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Executed on _____</p> <p style="text-align: center;">Date</p> </div> <div style="width: 45%;"> <p>_____ Signature of Server</p> <p>_____ Address of Server</p> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

RIDER

PLAINVIEW WATER DISTRICT

Plaintiff,

V.

AMERADA HESS CORPORATION, ASHLAND, INC., ATLANTIC RICHFIELD COMPANY (individually and d/b/a ARCO PRODUCTS COMPANY, f/k/a ARCO PETROLEUM CO. and a/k/a ARCO), CHEVRON TEXACO CORPORATION (individually and as successor- in- interest to CHEVRON CORPORATION and as successor- in-interest to TEXACO, INC. and f/k/a CHEVRON USA INC. and f/k/a TEXACO REFINING AND MARKETING, INC. and f/k/a TEXACO, INC.), CHEVRON U.S.A., INC., (individually and f/k/a GULF OIL CORPORATION, d/b/a CHEVRON PRODUCTS COMPANY, d/b/a CHEVRON CHEMICAL COMPANY), CITGO PETROLEUM CORPORATION, CITGO REFINING AND CHEMICALS COMPANY, LP, COASTAL EAGLE POINT OIL COMPANY, COASTAL OIL NEW ENGLAND., COLORADO REFINING COMPANY., CONOCOPHILLIPS CO. (individually and as successor- in- interest to CONOCO INC. and PHILLIPS PETROLEUM COMPANY, and d/b/a PHILLIPS 66 COMPANY), EL PASO MERCHANT ENERGY-PETROLEUM COMPANY (individually and f/k/a COASTAL REFINING and MARKETING, INC. and f/k/a COASTAL STATES TRADING, INC.), EQUILON ENTERPRISES, LLC (individually and a/k/a SHELL OIL PRODUCTS US individually and as successor-by-merger to EQUIVA SERVICES LLC), EQUISTAR CHEMICALS, LP., EXXON CORPORATION, EXXONMOBIL CHEMICAL COMPANY, INC. (individually and f/k/a MOBIL CHEMICAL COMPANY INC.), EXXONMOBIL CORPORATION (individually and as successor- in- interest to EXXON CORPORATION and as successor-in-interest to MOBIL CORPORATION and d/b/a EXXONMOBIL REFINING and SUPPLY COMPANY), EXXON CHEMICAL U.S.A. and EXXONMOBIL OIL CORPORATION (individually and f/k/a MOBIL OIL CORPORATION), FLINT HILLS RESOURCES, LP. f/k/a KOCH PETROLEUM GROUP, LP., GETTY PETROLEUM CORP, GETTY PETROLEUM MARKETING, INC., GETTY PROPERTIES CORPORATION (individually and f/k/a GETTY PETROLEUM CORP.), GIANT YORKTOWN, INC., GULF OIL LIMITED LIABILITY PARTNERSHIP f/k/a CATAMOUNT PETROLEUM LIMITED PARTNERSHIP, HUNTSMAN CORPORATION., IRVING OIL CORPORATION., IRVING OIL LIMITED., LUKOIL AMERICAS., LYONDELL CHEMICAL CO. (individually and f/k/a LYONDELL PETROCHEMICAL COMPANY and f/k/a ARCO CHEMICAL COMPANY), LYONDELL CITGO REFINING, LP., MARATHON ASHLAND PETROLEUM, LLC, MARATHON OIL COMPANY (individually and f/k/a USX CORPORATION, f/k/a UNITED STATES STEEL CORPORATION), MARATHON OIL CORPORATION, MOBIL CORPORATION, MOTIVA ENTERPRISES, LLC (individually and f/k/a STAR ENTERPRISES LLC), THE PREMCOR REFINING GROUP, INC., (individually and f/k/a CLARK REFINING), PDV MIDWEST REFINING, LLC., SABIC AMERICAS, INC., SHELL OIL PRODUCTS COMPANY, SHELL OIL PRODUCTS COMPANY, LLC, SHELL PETROLEUM, INC., SHELL TRADING (US) COMPANY (individually and f/k/a EQUIVA TRADING COMPANY and a/k/a STUSCO), SUNOCO, INC. f/k/a SUN OIL COMPANY and f/k/a SUN COMPANY, INC., SUNOCO, INC. (R&M) f/k/a SUN REFINING and MARKETING COMPANY and f/k/a SUN COMPANY, INC., TEXAS PETROCHEMICAL., TEXACO, INC., TEXACO REFINING & MARKETING (EAST), INC., TMR COMPANY., TRME COMPANY f/k/a TOSCO CORPORATION (individually and a/k/a TOSCO REFINING COMPANY and a/k/a TOSCO MARKETING COMPANY), TEXAS PETROLEUM CHEMICALS., TOTAL PETROCHEMICALS USA, INC. f/k/a ATOFINA PETROCHEMICALS, INC., TPI PETROLEUM INC., VALERO ENERGY CORPORATION, VALERO MARKETING AND SUPPLY COMPANY, VALERO REFINING AND MARKETING COMPANY, VALERO REFINING COMPANY;

Defendants,

Amerada Hess Corporation
1185 Avenue of the Americas
New York, NY 10036

Ashland, Inc.
50E. River Center Blvd
Covington, KY 41011

Atlantic Richfield Company
c/o ARCO Products Company
f/k/a ARCO Petroleum Co. a/k/a ARCO
CT Corporation System
111 Eighth Avenue
New York, NY 10011

Chevron Texaco Corporation

(f/k/a Chevron Corporation and f/k/a
Chevron USA Inc. and f/k/a Texaco
Refining and Marketing, Inc. and
f/k/a Texaco, Inc.)
c/o The Prentice-Hall Corporation System
80 State Street
Albany, NY 12207

**Chevron USA, Inc.,
Corporation**

f/k/a Gulf Oil Corporation, d/b/a
Chevron Products Company, d/b/a
Chevron Chemical Company
Products Company, d/b/a Chevron
Chemical Company
c/o The Prentice-Hall Corporation System
80 State Street
Albany, NY 12207

Citgo Petroleum

Registered Agent
CT Corporation System
111 Eighth Avenue
New York, NY 10011

**Citgo Refining and Chemicals
Company, LP**
Registered Agent
CT Corporation System
111 Eighth Avenue
New York, NY 10011

Coastal Eagle Point Oil Company
130 & I-295 S.
Westville, NJ 08093

Coastal Oil New England, Inc.
1001 Louisiana Street
Houston, TX 77002

Colorado Refining Company
5800 Brighton Blvd
Commerce City, CO 56610

**ConocoPhillips Co.,
Conoco Inc.,
Phillips Petroleum
Company and d/b/a Phillips 66 Company**
600 North Dairy Ashford
Houston, TX 77079

Crown Central Petroleum Corporation
Gulshan N. Budhwani
1372 Union Street
Schenectady, NY 12308

El Paso Merchant Energy-Petroleum Company
f/k/a Coastal Refining and Marketing, Inc
and Coastal States Trading, Inc.,
El Paso Building
1001 Louisiana Street
Houston, TX 77095

Equilon Enterprises, LLC
d/b/a Shell Oil Products US/Equiva Services LLC
Registered Agent
CT Corporation System
111 Eighth Avenue
New York, NY 10011

Equistar Chemicals, LP
1221 McKinney Street, Suite 1600
Houston, TX 77010

Exxon Mobil Chemical Company, Inc.
f/k/a Mobil Chemical Company
Registered Agent
c/o The Prentice-Hall Corporation System
80 State Street
Albany, NY 12207

Exxonmobil Corporation, Exxon

Corporation Mobil Corporation and
d/b/a Exxon Mobil Refining and Supply
Company
Registered Agent
c/o The Prentice-Hall Corporation System
80 State Street
Albany, NY 12207

Exxonmobil Oil Corporation

f/k/a Mobil Oil Corporation and Exxon
Chemical USA
Registered Agent
c/o The Prentice-Hall Corporation System
80 State Street
Albany, NY 12207

Exxon Corporation

Registered Agent
Corporation Service Company
80 State Street
Albany, NY 12207

Flint Hills Resources, LP
f/k/a Koch Petroleum Group, LP
4111E. 37th Street North
Wichita, Kansas 67220

Getty Petroleum Marketing, Inc.
Registered Agent
CT Corporation System
111 Eighth Avenue
New York, NY 10011

**Getty Properties Corp.,
f/k/a Getty Petroleum Corp.**
Registered Agent
c/o The Prentice-Hall Corporation System
80 State Street
Albany, NY 12207

Giant Yorktown, Inc.
23722 N. Scottsdale Road
Scottsdale, AZ 85255

Gulf Oil Limited Partnership
f/k/a Catamount Petroleum LP
Registered Agent
CT Corporation System
111 Eighth Avenue
New York, NY 10011

Huntsman Corporation
500 Huntsman Way
Salt Lake City, Utah 84108

Irving Oil Corp.
a/k/a Irving Oil, Limited
700 Main Avenue
Bangor, Maine3

Lukoil Americas
1500 Hempstead Turnpike
East Meadow, NY 11554

Lyondell Chemical Co.
f/k/a Lyondell Petrochemical
Chemical Company Company
and f/k/a ARCO
1221 McKinney Street, Suite 700
Houston, TX 77010

Lyondell-Citgo Refining, LP
12000 Lawndale
Houston, TX 77017

Marathon Ashland Petroleum, LLC
539 South Main St.
Findlay, OH 45840

Marathon Oil Company
F/k/a USX Corporation, f/k/a
United States Steel Corporation
5555 San Felipe Road
Houston, TX 77056-2723

Mobil Corporation
5959 Las Colinas Boulevard
Irving, TX 75039

Motiva Enterprises, LLC
/f/k/a Star Enterprises, LLC
Registered Agent
CT Corporation System
111 Eighth Avenue
New York, NY 10011

Premcor, Inc., Premcor Refining Groups, Inc.,
F/k/a Clark Refining
2900 Westfork Dr.
Baton Rouge, LA 70827

PDV Midwest Refining, LLC
135th and New Avenue
Bolingbrook, IL 60439

SABIC Americas, Inc.
2500 City West Boulevard
Detec Towers, Suite 650
Houston, TX 77042

Shell Oil Company
Registered Agent
c/o The Prentice-Hall Corporation System
80 State Street
Albany, NY 12207

Shell Oil Products Company
Registered Agent
c/o The Prentice-Hall Corporation System
80 State Street
Albany, NY 12207

Shell Oil Products Company, LLC
Registered Agent
c/o The Prentice-Hall Corporation System
80 State Street
Albany, NY 12207

Shell Petroleum, Inc.,
Registered Agent
c/o The Prentice-Hall Corporation System
80 State Street
Albany, NY 12207

Shell Trading (US) Company
F/f/k/a Equiva Trading Company
and a/k/a STUSCO
Registered Agent
c/o The Prentice-Hall Corporation System
80 State Street
Albany, NY 12207

Sunoco, Inc. (R&M)
f/k/a Sun Oil Company and
f/k/a Sun Company, Inc.
Registered Agent
CT Corporation System
111 Eighth Avenue
New York, NY 10011

Sunoco Inc. (R&M)
f/k/a Sun Refining and Marketing
Company and f/k/a Sun Company
Inc. (R&M)
Registered Agent
CT Corporation System
111 Eighth Avenue
New York, NY 10011

TPI Petroleum, LLC
One Valero Place
San Antonio, TX 78212

Texaco Inc.
2000 Westchester Ave.
White Plains, New York 10650

TRME Company
f/k/a Texaco Refining and Marketing
(EAST), Inc.
2000 Westchester Ave
White Plains, New York 10650

TMR Company
6001 Bollinger Canyon Road
San Remo, CA 94583

Tosco Corporation
a/k/a Marketing Company
a/k/a Tosco Refining Company and
Registered Agent
c/o The Prentice-Hall Corporation System
80 State Street
Albany, NY 12207

Texas Petrochemical
5151 San Felipe, Suite 800
Houston, TX 77056

Total Petrochemicals USA, Inc.
f/k/a Atofina Petrochemical s, Inc.
15710 John F. Kennedy Boulevard
Houston, TX 08628

Valero Energy Corporation
Agip Co. Inc.,
Registered Agent
CT Corporation System
1633 Broadway
New York, NY 10019

Valero Marketing and Supply Company
Registered Agent
CT Corporation System
1633 Broadway
New York, NY 10019

Valero Refining Company
and Valero Refining and Marketing Company
Registered Agent
CT Corporation System
1633 Broadway
New York, NY 10019

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE PRESKA
08 CV 0278

PLAINVIEW WATER DISTRICT,

MDL No. 1358
(Scheidlin, J.)

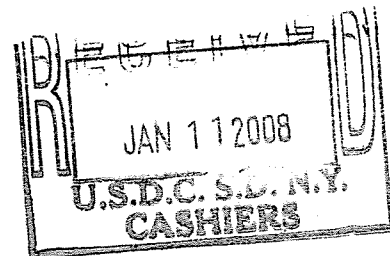
Plaintiff,

-against-

VERIFIED COMPLAINT

AMERADA HESS CORPORATION;
ASHLAND, INC.;
ATLANTIC RICHFIELD COMPANY,
 individually and d/b/a ARCO PRODUCTS
 COMPANY, f/k/a ARCO PETROLEUM CO. and
 a/k/a ARCO;
CHEVRONTEXACO CORPORATION,
 individually and as successor-in-interest to
 CHEVRON CORPORATION and as
 successor-in-interest to TEXACO, INC.;
CHEVRON U.S.A., INC.,
 individually and f/k/a GULF OIL
 CORPORATION, d/b/a CHEVRON PRODUCTS
 COMPANY, d/b/a CHEVRON CHEMICAL
 COMPANY;
CITGO PETROLEUM CORPORATION;
CITGO REFINING and CHEMICAL COMPANY, LP;
COASTAL EAGLE POINT OIL COMPANY;
COASTAL OIL NEW ENGLAND;
COLORADO REFINING COMPANY;
CONOCOPHILLIPS COMPANY,
 f/k/a PHILLIPS PETROLEUM COMPANY,
 individually and as successor-in-interest to TOSCO
 CORPORATION, and d/b/a PHILLIPS 66
 COMPANY;
CROWN CENTRAL PETROLEUM CORPORATION;

JURY TRIAL DEMANDED



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U.S. DISTRICT COURT
S.D.N.Y.

wells, pumping stations, filters, and usufructuary rights to the water drawn from the aquifers; and (f) ensure that the Defendants, as the responsible parties - and not the Plaintiff or its customers - bear all costs.

6. Plaintiff asserts claims for: (a) private nuisance; (b) strict liability for design defect; (c) strict liability for failure to warn; (d) negligence; (e) private nuisance; (f) public nuisance; (g) violation of New York's General Business Law; (h) violation of New York's Navigation Law; and (i) trespass.

JURISDICTION AND VENUE

7. Jurisdiction lies in this Court pursuant to PL 109-58, Energy Policy Act of 2005, HR 6, Title XV, § 1503, 42 U.S.C. § 7545.

8. Venue is proper in this Court pursuant to 28 U.S.C. § 1407 and this Court's Case Management Order of April 1, 2004.

THE PARTIES

A. Plaintiff

9. PWD is a municipal corporation comprising the habitants within its boundaries and formed for the purpose of exercising such powers and discharging such duties of local government and administration of public affairs as may be imposed or conferred upon them by law. The corporation possesses inherent authority to perform acts to preserve or benefit the corporate property of the region entrusted to them and the corporations may maintain actions to recover damages to corporate property.

10. PWD is a self-supporting, public benefit corporation pursuant to New York Public Authorities Law Article 5, Title 4 (§§ 1074-1092). The PWD Water District has grown to become one of the largest groundwater suppliers in the nation, serving in excess of thirty-four

thousand Long Island residents. The Public Authorities Law provides that, in carrying out its powers, purposes and duties, is acting in all respects for the benefit of the people of the PWD and the State of New York, for the improvement of their health, welfare and prosperity. Included among its powers is the power to sue and be sued and to do all things necessary or convenient to carry out its corporate purposes.

B. Defendants

11. Defendants do business in New York as manufacturers, refiners, formulators, distributors, suppliers, sellers and/or marketers of MTBE and/or gasoline containing MTBE.

12. At all times relevant to this litigation, Defendants engaged in one or more phases of the petroleum business, from the exploration for and extraction of crude oils to the refining and/or the distribution, marketing and retail sale of gasoline, including the design and manufacture of gasoline containing MTBE sold in New York and other states, and the marketing and sale of MTBE.

13. Any and all references to a Defendant or Defendants in this Complaint include any predecessors, successors, parents, subsidiaries, affiliates and divisions of the named Defendants.

14. When the term "Defendants" is used alone, it refers to all Defendants named herein jointly and severally.

15. When reference is made to any act or omission of the Defendants, it shall be deemed to mean that the Defendants' officers, directors, agents, employees, or representatives committed or authorized such act or omission, or failed to adequately supervise or properly control or direct their employees while engaged in the management, direction, operation or control of Defendants' affairs, and did so while acting within the scope of their employment or agency.

16. Amerada Hess Corporation is a Delaware corporation with its principal place of business at 1185 Avenue of the Americas, 40th Floor, New York, New York 10036, doing business in the State of New York.

17. Ashland, Inc., is a Kentucky Corporation, with its principal place of business at 50 E. River Center Blvd., Covington, KY 41011, doing business in the State of New York.

18. Atlantic Richfield Company, individually and doing business as ARCO Products Company (f/k/a Arco Petroleum Co.), and also known as ARCO, a subsidiary of BP America, Inc., is a Delaware corporation with its principal place of business at 4 Center Pointe Drive, La Palma, California 90623, doing business in the State of New York.

19. ChevronTexaco Corporation, individually and as successor-in-interest to Chevron Corporation and as successor-in-interest to Texaco, Inc., is a Delaware corporation with its principal place of business at 6001 Bollinger Canyon Road, San Ramon, California 94583, doing business in the State of New York.

20. Chevron U.S.A., Inc., individually and formerly known as Gulf Oil Corp. (d/b/a Chevron Products Company, d/b/a Chevron Chemical Company), is a Pennsylvania corporation with its principal place of business at 6001 Bollinger Road, San Ramon, California 94583, doing business in the State of New York.

21. Citgo Petroleum Corporation is a Delaware corporation with its principal place of business at 6100 South Yale Avenue, Tulsa, Oklahoma 74136, doing business in the State of New York.

22. Citgo Refining and Chemicals Company, LP, a subsidiary of Citgo Investment Company, is an Oklahoma limited partnership with its principal place of business at 6100 South Yale Avenue, Tulsa, Oklahoma 74136, doing business in the State of New York.

23. Coastal Eagle Point Oil Company is a Delaware corporation with its principal place of business at 1-130 & 1-295, Westville, New Jersey 08093, doing business in the State of New York.

24. Coastal Oil New England is a Massachusetts Corporation, with its principal place of business at 1001 Louisiana Street, Houston, TX 77002, doing business in the State of New York.

25. Colorado Refining Co., is a Colorado Corporation with its principal place of business located at 5800 Brighton Boulevard, Commerce City, Colorado 56610, and doing business in the State of New York.

26. ConocoPhillips Company, formerly known as Phillips Petroleum Company, individually and as successor-in-interest to Tosco Corporation, and d/b/a Phillips 66 Company, is a Delaware corporation with its principal place of business at 600 North Dairy Ashford Road, Houston, Texas 77079, doing business in the State of New York.

27. Crown Central Petroleum Corporation is a Maryland corporation with its principal place of business at 1 North Charles Street, Baltimore, Maryland 21203, doing business in the State of New York.

28. El Paso Merchant Energy-Petroleum Company, individually and formerly known as Coastal Refining and Marketing, Inc. and formerly known as Coastal States Trading, Inc., is a Delaware corporation with its principal place of business at 1001 Louisiana Street, Houston, Texas 77002, doing business in the State of New York.

29. Equilon Enterprises, LLC, d/b/a Shell Oil Products US, individually and as successor-by-merger to Equiva Services LLC, is a Delaware limited liability company with its

principal place of business at 1100 Louisiana Street, Suite 2200, Houston, Texas 77002, doing business in the State of New York.

30. Equistar Chemicals, LP, with its principal place of business at 1221 McKinney Street, Suite 1600, Houston, TX 77010, doing business in the State of New York.

31. ExxonMobil Chemical Company, Inc., individually and formerly known as Mobil Chemical Company Inc., a subsidiary of Exxon Mobil Oil Corporation, is a Delaware corporation with its principal place of business at 13501 Katy Freeway, Houston, Texas 77079, doing business in the State of New York.

32. ExxonMobil Corporation, f/k/a Exxon Corporation and d/b/a Exxon Mobil Refining and Supply Company, Exxon Chemical U.S.A. and ExxonMobil Chemical Corporation, is a New Jersey corporation with its principal place of business at 5959 Las Colinas Boulevard, Irving, Texas 75039, doing business in the State of New York.

33. ExxonMobil Oil Corporation, a subsidiary of Mobil Corporation, is a New York corporation with its principal place of business at 800 Bell Street, Corp EMB Room 2441 Houston, Texas 77002, doing business in the State of New York.

34. Flint Hills Resources, LP, formerly known as Koch Petroleum Group, LP, is a Delaware Corporation, with its principal place of business at 4111 E. 37th Street North, Wichita, Kansas 67220, doing business in the State of New York.

35. Getty Petroleum Marketing, Inc., is a Maryland corporation with its principal place of business at 1500 Hempstead Turnpike, East Meadow, New York 1154, doing business in the State of New York.

36. Getty Properties Corporation, individually and formerly known as Getty Petroleum Corp., is a Delaware corporation with its principal place of business at 125 Jericho Turnpike, Jericho, New York 11753, doing business in the State of New York.

37. Giant Yorktown, Inc., is a Delaware Corporation, with its principal place of business at 23722 N. Scottsdale Road, Scottsdale, AZ 85255, doing business in the State of New York.

38. Gulf Oil Limited Partnership f/k/a Catamount Petroleum Limited Partnership is a Delaware corporation with its principal place of business at 90 Everett Avenue, Chelsea, Massachusetts 02150, doing business in the State of New York.

39. Huntsman Petrochemical Corporation is a Delaware Corporation with its principal place of business at 500 Huntsman Way, Salt Lake City, Utah 84108, doing business in the State of New York.

40. Irving Oil Corporation is a Maine corporation with its principal place of business at 700 Main Avenue, Bangor, Maine, doing business in the State of New York.

41. Irving Oil, Limited is a Canadian corporation with its principal place of business at 210 Crown Street/10 Sydney Street, Saint John, New Brunswick, Canada, doing business in the State of New York.

42. LUKOIL Americas, Corp., is a New York corporation with its principal place of business at 1500 Hempstead Turnpike, East Meadow, New York 11554 doing business in the State of New York.

43. Lyondell Chemical Company, individually and formerly known as Lyondell Petrochemical Company and formerly known as Arco Chemical Company, is a Delaware corporation with its principal place of business at 1221 McKinney Street, Suite 700, Houston, Texas 77010, doing business in the State of New York.

44. Lyondell-Citgo Refining, LP, is a Foreign Corporation, with its principal place of business at 12000 Lawndale, Houston, TX 77017, doing business in the State of New York.

45. Marathon Ashland Petroleum, LLC, is a Foreign Corporation, with its principal place of business at 539 South Main Street, Findlay, Ohio at 45840, doing business in the State of New York.

46. Marathon Oil Company is a Ohio Corporation, with its principal place of business at 5555 San Felipe Road, Houston, Texas 77056-2723, doing business in the State of New York.

47. Mobil Corporation, a subsidiary of ExxonMobil Corporation, is a Delaware corporation with its principal place of business at 5959 Las Colinas Boulevard, Irving, Texas 75039, doing business in the State of New York.

48. Motiva Enterprises, LLC, individually and formerly known as Star Enterprises LLC, is a Delaware limited liability corporation with its principal place of business at 1100 Louisiana Drive, Houston, Texas 77210, doing business in the State of New York.

49. PDV Midwest Refining LLC, is a Foreign Corporation, with its principal place of business at 135th & New Avenue, Bolingbrook, IL 60439, doing business in the State of New York.

50. SABIC Americas, Inc. is a Delaware corporation with its principal place of business at 2500 City West Blvd., Detec Towers, Suite 650 Houston, Texas 77042, doing business in the State of New York.

51. Shell Oil Company is a Delaware corporation with its principal place of business at 910 Louisiana Street, Houston, Texas 77002, doing business in the State of New York.

52. Shell Oil Products Company is a Delaware corporation with its principal place of business at One Shell Place, Houston, Texas 77002, doing business in the State of New York.

53. Shell Oil Products Company, LLC, is a Delaware limited liability corporation with its principal place of business at 500 Dallas Street, Houston, Texas 77002, doing business in the State of New York.

54. Shell Petroleum, Inc., which owns Shell Oil Company, is a Delaware corporation with its principal place of business at 910 Louisiana Street, Houston, Texas 77002, doing business in the State of New York.

55. Shell Trading (US) Company, individually and formerly known as Equiva Trading Company, and also known as Stusco, is a Delaware corporation with its principal place of business at PO Box 3075, Houston, TX 77253, and 500 Dallas Street, Houston, Texas 77002, doing business in the State of New York.

56. Sunoco, Inc., individually and formerly known as Sun Oil Company, and formerly known as Sun Company, Inc., and as successor-in-interest to Coastal Eagle Point Oil Company, is a Pennsylvania corporation with its principal place of business at 1801 Market Street, 27th Floor, Philadelphia, Pennsylvania 19103, doing business in the State of New York.

57. Sunoco, Inc. (R&M), individually and formerly known as Sun Refining and Marketing Company and formerly known as Sun Company Inc. (R&M) is a Pennsylvania corporation with its principal place of business at 1801 Market Street, 27th Floor, Philadelphia, Pennsylvania 19103, doing business in the State of New York.

58. Texaco, Inc., a subsidiary of ChevronTexaco Corporation, is a Delaware corporation with its principal place of business at 6001 Bollinger Canyon Road, San Ramon, California 94583, doing business in the State of New York.

59. Texaco Refining & Marketing Inc., a/k/a TRMI Holdings, is a Delaware corporation with its principal place of business at 1111 Bagby Street, Houston, Texas 77002, doing business in the State of New York.

60. Texaco Refining & Marketing (East), Inc., is a Delaware corporation with its principal place of business at 1111 Bagby Street, Houston, Texas 77002, doing business in the State of New York.

61. Texas PetroChemical is a non-registered foreign corporation with its principal place of business at 5151 San Felipe, Suite 800, Houston, Texas 77056, doing business in the State of New York.

62. The Premcor Refining Group Inc., individually and formerly known as Clark Refining, is a Delaware corporation with its principal place of business at 8182 Maryland Avenue, St. Louis, Missouri 63105, doing business in the State of New York.

63. TMR Company, formerly known as Texaco Refining and Marketing, Inc., individually and as successor-by-merger to TRMI Company, formerly known as Texaco Refining and Marketing (East), Inc., with its principal place of business at 6001 Bollinger Canyon Road, San Ramon, CA 94583, doing business in the State of New York.

64. ToscoCorporation, individually and as predecessor-in-interest to ConocoPhillips Company, and also known as Tosco Refining Company, and also known as Tosco Marketing Company, a subsidiary of ConocoPhillips Company, is a Nevada corporation with its principal place of business at 1500 North Priest Drive, Tempe, Arizona 85281, doing business in the State of New York.

65. Total Petrochemicals USA, Inc., f/k/a Atofina Petrochemicals, Inc., individually and as successor-by-merger to Fina, Inc., with its principal place of business at 15710 John

F. Kennedy Boulevard, Houston, Texas 08628, doing business in the State of New York.

66. TPI Petroleum, LLC, with its principal place of business at One Valero Place, San Antonio, Texas 78212, doing business in the State of New York.

67. Valero Energy Corporation, the parent company of Valero Refining and Marketing Company, is a Delaware corporation with its principal place of business at One Valero Place, San Antonio, Texas 78212, doing business in the State of New York.

68. Valero Marketing and Supply Company, a subsidiary of Valero Refining and Marketing Company, is a Delaware corporation with its principal place of business at One Valero Place, San Antonio, Texas 78212, doing business in the State of New York.

69. Valero Refining and Marketing Company is a Delaware corporation with its principal place of business at One Valero Place, San Antonio, Texas 78212, doing business in the State of New York.

70. Valero Refining Company, is a Delaware corporation with its principal place of business at One Valero Place, San Antonio, Texas 78212, doing business in the State of New York.

SUMMATION OF FACTS

71. In 1978, the EPA designated the Long Island aquifer system as one of the first "sole source" aquifers in the country under the Safe Drinking Water Act, 42 U.S.C. §300h-3(e). A "sole source" aquifer is "an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health". The EPA observed that "[s]ince contamination of ground-water aquifer can be difficult or impossible to reverse, contamination of the aquifer system underlying Nassau and Suffolk Counties, New

York, would pose a significant hazard to those people dependent on the aquifer system for drinking purposes."

72. Pursuant to authorities designated to the County under New York's Environmental Conservation and charged with the responsibility to guarantee that the quality of the County's groundwater resource is protected.

73. MTBE has been detected in wells located at Plants 4 and 5 of PWD which draw from the County's underlying aquifers.

74. PWD currently includes pump stations and active public drinking water wells that have the capacity to pump hundreds of millions of gallons of water each day. The wells draw from the three aquifers beneath the County and are interconnected. Thus, water serving the Plaintiff's customers comes from a "blended" water supply drawn from the three aquifers.

MTBE FACTS

75. MTBE is a member of a class of chemical compounds called aliphatic ethers, one of whose properties is that they are "hydrophilic," or water-seeking; *i.e.*, they have enhanced solubility in water and chemical attraction to water molecules.

76. MTBE does not occur naturally.

77. MTBE breaks down into TBA and formaldehyde.

78. MTBE is produced from methanol and isobutylene, a by-product of the gasoline-refining process. MTBE is not found in gasoline unless it is added to the gasoline.

79. Defendants used and/or continue to use MTBE as a gasoline additive.

WHY DEFENDANTS ADD MTBE TO GASOLINE: PROFIT

80. Sometime after 1979, Defendants started manufacturing, distributing and/or selling gasoline with MTBE in concentrations averaging approximately 2 to 4% in order to boost the octane level in higher grades of gasoline.

81. MTBE was not the only viable option to achieve higher octane in gasoline. Rather, its use reflected MTBE's choice and preference to make money from gasoline refining waste by-products.

82. Since the early 1990's, Defendants have chosen to add MTBE to gasoline in much greater concentrations, typically 11-15%, in all grades of gasoline. Defendants claim that MTBE, an oxygenate, helps fuel burn more efficiently to reduce air pollution. Defendants' motivation for including MTBE in gasoline, however, was to boost octane cheaply and increase their own profits. Defendants use of MTBE as a gasoline additive predated the environmental concerns they invoke to justify their use of MTBE. The Clean Air Act of 1990 required that oxygenates be used in gasoline. However, Defendants chose MTBE from a list of alternatives as a less expensive means to comply with The Clean Air Act of 1990.

83. Ironically, it is now apparent that MTBE does not even deliver Defendants' promise of cleaner air. Contrary to industry assurances, MTBE does little or nothing to reduce such air-polluting emissions as carbon monoxide or smog precursors. A detailed 1998 report commissioned by the State of California concluded that "there is no significant air quality benefit to the use of oxygenates such as MTBE in reformulated gasoline" when compared to alternative non-oxygenated formulations.

84. In May 1999, the National Research Council of the National Academy of Sciences ("NAS") issued a report concluding that MTBE does little to reduce ozone air pollution and smog.

85. NAS previously had concluded that reduction of carbon monoxide concentrations in the nation's air actually took place before MTBE was added to gasoline as a purported "clean air" oxygenate.

86. In fact, combustion of gasoline containing MTBE in car engines actually increases exhaust emissions of formaldehyde, nitrous oxide and other toxic chemicals, including MTBE itself. MTBE discharged to the air contaminates groundwater because rain returns it to the soil.

**GASOLINE CONTAINING MTBE HAS WIDELY
CONTAMINATED AND CONTINUES TO POSE A THREAT
TO GROUNDWATER**

87. MTBE is more soluble in water than other gasoline constituents, and therefore has a stronger affinity for and dissolves more easily in any available water. In technical terms, MTBE has a low octanol water partition coefficient and high solubility in water, particularly as compared to other common gasoline components — benzene, toluene, ethylbenzene and xylene (collectively "BTEX compounds").

88. Whenever gasoline with MTBE leaks, spills, or is otherwise released into the environment, the MTBE races through underground water aquifers, spreading faster and farther than other chemical components contained in gasoline, reaching the water table, and soon contaminating wells that draw from the affected underground aquifers.

89. In addition, MTBE resists physical, chemical and microbial degradation. As a result, MTBE is slow to break down after it is released into the environment, particularly in the subsurface of the ground. Plumes of MTBE can persist in underground aquifers for many decades, far longer than other components of gasoline. Once an MTBE plume reaches a well, it continues to contaminate the water drawn from that well.